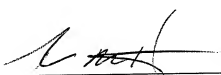


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q96939	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/593,633	Filed September 21, 2006	
	First Named Inventor Kunio YAMANE		
	Art Unit 1796	Examiner Benjamin GILLESPIE	
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>64,676</u></p> <div style="text-align: right;">  _____ Signature </div> <div style="text-align: right;"> _____ Thomas M. Hunter Typed or printed name </div> <div style="text-align: right;"> _____ (202) 293-7060 Telephone number </div> <div style="text-align: right;"> _____ March 15, 2010 Date </div>			

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96939

Kunio YAMANE, et al.

Appln. No.: 10/593,633

Group Art Unit: 1796

Confirmation No.: 1928

Examiner: Benjamin GILLESPIE

Filed: September 21, 2006

For: LOW SPECIFIC GRAVITY UNSATURATED POLYESTER RESIN COMPOSITIONS
FOR LAMP REFLECTORS AND MOLDED ARTICLES THEREOF

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated October 14, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Appellant turns now to the rejections at issue: (i) Claims 1 and 4-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0085772 to Daichou et al in view of Alger (Polymer Science Dictionary); and (ii) Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Daichou in view of Alger and U.S. Patent No. 4,052,358 to Wada et al.

Appellant respectfully traverses the rejections for the reasons of record (see, e.g., pages 2-3 in the Response filed February 16, 2010) and for the following reasons.

With regard to the present claims, though acknowledging that Daichou fails to disclose or suggest the specific ratio of (i) styrene and (ii) diallylphthalate, as recited in present Claim 1, the Examiner takes the position in the Advisory Action that “this does not mean it would be unobvious to arrive at the present claim limitations.” In support of his position, the Examiner asserts that one of basic knowledge of polymer science would understand that as the degree of branching in a cured polymer increases - i.e. as the amount of (ii) in the curing agent increases relative to (i), the cured polymer will exhibit less thermoplasticity and resemble more of a thermoset polymer, which are known to exhibit better heat resistance. Further, Appellants note that in the Advisory Action, the Examiner refers to heat resistance as a coating property.

Appellants respectfully disagree.

According to the present invention, the presently claimed low specific gravity unsaturated polyester resin composition is characterized by using two crosslinking agents (that is, ingredients (A) and (B)) having a specific weight ratio, wherein the amount and weight ratio of the two crosslinking agents influence not only the heat resistance of the cured product but also the coating property of the cured product.

In this regard, Appellants submit that there is no predictable relationship between the heat resistance of a cured product and the coating property of paints on the cured product. As demonstrated by Comparative Examples 10 and 15 of the present specification, even if a cured produce has a high coating property, the cured product may simultaneously have a low heat resistance. Accordingly, the coating property of the presently claimed cured product is separate

and distinct from the heat resistance of the cured product, and as such the improvement of one property does not necessarily indicate the improvement of the other property

In addition, the Examiner asserts that “only a single ratio of (i):(ii) is disclosed in Applicants’ examples.” Thus, the Examiner concludes that “[t]here is no way to determine if Applicants’ alleged unexpected result would also be obtained when using every ratio of (i):(ii) allowed by claim 1.”

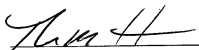
Appellants disagree.

As shown in Tables 2-4, Applicants disclose Working Examples wherein components (A) and (B) are utilized a wide variety of ratios. Thus, Appellants submit that the Working Examples in the present specification are commensurate in scope with the breadth of the present claims, and demonstrate unexpected results across the presently claimed ratio range.

For the foregoing reasons, it is respectfully submitted that Claims 1 and 3-9 are patentable over the cited art.

Accordingly, Appellant respectfully requests the reconsideration of the foregoing rejections.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 15, 2010